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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,947	07/21/2005	Makoto Nishizaki	2005-1122A	5778
52349 7590 09/11/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503			EXAMINER GODBOLD, DOUGLAS	
			ART UNIT 2626	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,947

Applicant(s)

NISHIZAKI ET AL.

Examiner

DOUGLAS C. GODBOLD

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to correspondence filed June 18, 2009 in reference to application 10/542,947. Claims 55-72 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 18, 2009 has been entered.

Response to Amendment

3. The amendment filed June 18, 2009 has been accepted and considered in this office action. Claims 55-64, and 67 have been amended.

Response to Arguments

4. Applicant's arguments filed June 19, 2009 have been fully considered but they are not persuasive.

5. Regarding applicants arguments, see Remarks pages 11-12, that Kivimaki does not teach or suggest the delay limitations of claim 55, the examiner respectfully disagrees. The language in the "delay" limitation of the claim requires 1) the delay time is according to a form of the message displayed, and 2) they delay time being a time necessary for a user to visually identify a text message.

The delay of Kivimaki meets requirement 1) because even if the delay is based on processing speed of the text to speech conversion, this will be affected by the number of words that are displayed, which is part of the form.

It is not specifically stated how the delay time in requirement 2) is determined and therefore this requirement is non-functional descriptive language. Given this interpretation, A delay based on processing times, as the applicant has stated as the teaching of Kivimaki, could in fact be equal to a time necessary for a user to visually identify the message, meeting the requirement of the claim.

Applicant further contends that Kivimaki does not specifically teach or suggest a voice message representing the entire text only after the determined delay, the examiner respectfully disagrees. While the examiner understands that Kivimaki outputs the voice in "blocks," it is noted that all of these blocks occurs after the first delay, and therefore read on the language of the claims.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 55 and 64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 55 and 64 contain limitations requiring " the delay time being a time necessary for an action taken by the user to visually identify a text message after the text message is displayed by said text display unit". It is undefined how this time is determined and therefore seems to be arbitrary. One of ordinary skill in the art would not be able to determine how the delay time is determined by reading the claim. Because this time delay can be completely arbitrary, it is indefinite under 35 U.S.C. 112.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 55 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (U.S. Pub. No. 2004/0190687), and further in view of Kivimaki (U.S. Patent No. 7,174,295 B1).

10. Regarding claims 55 and 64, Baker teaches a voice output apparatus and method comprising:

a text display unit operable to display a text message which is information to be transmitted to a user and a voice output unit operable to output, via a voice message,

the information to be transmitted (the speech recognition unit performs processing and the output of the speech recognition unit is proceeded to the human call center operator, preferably by way of text proved on a display and at the same time (or just before or after the text is provided on the display) the caller's recorded utterances are audibly provided to the human call center operator, (Paragraph 44));

However, Baker fails to teach a voice output apparatus and method comprising a delay determination unit operable to determine a delay time according to a form of the text message displayed by said text display unit wherein a voice output unit operable to output, via voice message, the information to be transmitted, when the delay time determined by said delay determination unit passes after the text message is displayed by said display unit.

Kivimaki teaches, in analogous art, the concept of inserting a delay into a text to speech system wherein the delay can be varied in dependence on the number of words and characters in a text group (Column 6 lines 9-14 and lines 47-52) The delay of Kivimaki meets the two requirements of the claims; requirement 1) because even if the delay is based on processing speed of the text to speech conversion, this will be affected by the number of words that are displayed, which is part of the form. It is not specifically stated how the delay time in requirement 2) is determined and therefore this requirement is non-functional descriptive language. Given this interpretation, A delay based on processing times, as the applicant has stated as the teaching of Kivimaki, could in fact be equal to a time necessary for a user to visually identify the message, meeting the requirement of the claim.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the concept of varied delay disclosed in Kivimaki with the voice output apparatus disclosed in Baker in order to make the system more user friendly by allowing the user to read the entire text message without interruption. More specifically, the delay would control the time period "just after" the text provided on the screen is displayed at which time the "caller's recorded utterances are audibly provided" and the display mode corresponds to the length of the text displayed. While the examiner understands that Kivimaki outputs the voice in "blocks," it is noted that all of these blocks occurs after the first delay, and therefore meets the requirement that the entire representation be outputted only after the delay.

11. Claims 56 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Gasper (U. S. Patent No. 4,884,972).

12. Regarding claims 56 and 65, Baker in view of Kivimaki teaches the limitations of claims 55 and 67.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method that utilizes the size of characters to make a determination. Gasper teaches the concept of using font information to make a determination (Column 17 lines 30-34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the determination based on font size

in order to make the device more user friendly by accounting for the increased time in which it takes to comprehend a smaller font.

More specifically, Baker in view of Kivimaki fails teach a voice output apparatus and method wherein said delay determination unit is operable to determine that the delay time should be short in the case where the size of characters in the text message displayed by said text display unit is large and determine that the delay time should be long in the case where the size of the characters is small.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to increase a delay time according to character font size because it would have been known to one of ordinary skill in the art that as text font size decreases the speed at which a human is able to comprehend the text decreases. Therefore, it would have been obvious to increase the delay (or comprehension time) in order to allow the user more time to comprehend the text.

13. Claims 57, 63, 66, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Brackett (U.S. Patent No. 7,151,435 B2).

14. Regarding claims 57 and 66, Baker in view of Kivimaki teaches the limitations of claims 55 and 67.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method that displays a focal point. Brackett, in analogous art, teaches that a display

could also give an alarm wherein the alarm may be by way of a visual signal such as an icon (Column 5 lines 30-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the visual icon disclosed in Brackett with the display disclosed in Baker in view of Kivimaki in order to make the device more user friendly by using the icon to get the attention of the user to show an occurrence of an event.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method wherein said delay determination unit is operable to determine that the delay time should be long in the case where a distance between a focal point and characters in the text message displayed by said text display unit is long, the focal point being set on said text display unit for attracting user's attention and determine that the delay time should be short in the case where the distance is short. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine a delay based on the distance between the focal point disclosed in Brackett and the display disclosed in Baker in view of Kivimaki because it would have been well known to one of ordinary skill in the art that the time period for the eyes travel between two points is dependent upon the distance between two points. Therefore, it would have been obvious to increase or decrease a delay time based on a relative distance between a display and another point in space.

15. Regarding claims 63 and 72, Baker in view of Kivimaki teaches the limitations of claims 57 and 66. Brackett further teaches a voice output apparatus and method wherein said text display unit is operable to display an agent as the focal point (a display could also give an alarm wherein the alarm may be by way of a visual signal such as an icon (Column 5 lines 30-41).

16. Claims 60 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Sturner et al. (U.S. Patent No. 5,303,327).

17. Regarding claims 60 and 69, Baker in view of Kivimaki teaches the limitations of claims 55 and 67.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method comprising a personal information obtainment unit operable to obtain an age of the user. Sturner teaches means for recording demographic data concerning the subject wherein appropriate demographic data to collect from the subject may include age and the demographic data is used to make a decision (Column 6 lines 1-15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the means for collecting age information disclosed in Sturner with the voice output apparatus disclosed in Baker in view of Kivimaki in order make the device more user friendly by tailoring the operation of the device to the reading abilities of the different age groups.

However, Baker in view of Kivimaki further in view of Sturmer fails to teach a voice output apparatus and method wherein said delay determination unit is operable to determine that the delay time should be long in the case where the obtained age is high and determine that the delay time should be short in the case where the obtained age is low. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine a delay based on the age of the user because it would have been well known to one of ordinary skill in the art at the time of invention that the speed at which an individual can read decreases as the muscles contained within an individual's eyes age. Therefore, it would have been obvious to increase or decrease the delay in order to afford more time for users of an older age to comprehend the text displayed.

18. Claims 61, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Kojima et al. (U. S. Patent No. 5,738,318).

19. Regarding claims 61 and 70, Baker in view of Kivimaki teaches the limitations of claims 55 and 64.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method comprising a habituation specifying unit operable to obtain the number of times the user operates said voice output apparatus, wherein said delay determination unit is operable to determine that the delay time should be short in the case where the

obtained number of operations is large; and determine that the delay time should be long in the case where the obtained number of operations is small.

Kojima, in analogous art, teaches a counterpart which counts" up the number of time the apparatus is used by 1 every time the recognition results" is" supplied thereto and a delay time setting part that sets" the delay time of the variable delay part depending on the counted value of the counterpart so that the delay time decreases as the counted value increase (Column 3 lines 54-64).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the variable delay and counter disclosed in Kojima with the voice output apparatus disclosed in Baker in view of Kivimaki in order to make the device quicker for those users more familiar with the apparatus (Kojima, Column 3 lines 64-68). More specifically, although Kojima does not explicitly disclose a longer delay for a fewer count values, the longer delay is inherent in the disclosure's delay-setting procedure.

20. 7. Claims 62 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Mills et al. (U.S. Pub. No. 2004/0032935 A1).

21. Regarding claims 62 and 71, Baker in view of Kivimaki teaches the limitations of claims 55 and 64.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method comprising a habituation specifying unit operable to obtain an operation time

during which the user operates said voice output apparatus wherein said delay determination is operable to determine that the delay time should be short in the case where the obtained operation time is long and determine that the delay time should be long in the case where the obtained operation time is short. Mills', in analogous art, teaches analyzing the performance data collected by the IVR simulation application in the log file, the company may score participants' call routing performance based on two factors-- accomplishment of the task and the time spent in the IVR simulation application attempting to accomplish the task (Paragraph 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the calculation of time spent disclosed in Mills with the determination of delay disclosed in Baker in view of Kivimaki in order to make the device quicker for those users more familiar with the apparatus (Kojima, Column 3 lines 64-68). More specifically, the log of time spent corresponds to the counter value disclosed in Kojima upon which the delay determination is based.

Allowable Subject Matter

22. Claims 58, 59, 67, and 68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. For claims 58 and 67, the novel feature is directed to the fact that the delay time is dependent on the color contrast of the text and surrounding area. It would have not have been obvious for one to determine the delay based on this color contrast.

24. For claims 59 and 68, the novel feature is directed to the determination of delay based on the rate of flashing of the text. While Brackett teaches a flashing display, in other words flashing text, (Column 5 line 39) it would not have been obvious to one of ordinary skill in the art at the time the invention was made to decrease the delay time when the rate of flashing text is higher.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is (571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG

/Richmond Dorvil/
Supervisory Patent Examiner, Art Unit 2626